

*Application No .10/657,707
Amendment dated January 30, 2006
Reply to Office Action of September 30, 2005*

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Remarks/Arguments

Claims 1, 4 - 8 and 10 - 44 are pending in the application.

No new matter has been added by the amendments made herein, the details of which amendments are described further below.

Double Patenting

Claims 1 and 24 stand objected to for being substantial duplicates of each other. Applicant respectfully traverses this rejection. Claim 1 requires a recessed region and a tubular mount to extend therefrom among other physical features not required by claim 24. Applicant believes that such differences are more than a slight difference in wording and respectfully requests withdrawal of the objection to these claims.

Claim Rejections - 35 USC § 112, Second Paragraph

Claim 35 has been amended to depend from claim 5, from which claim 37 depends. Antecedent basis is now provided for the term "the rim on the worm gear" in claim 37.

Claim Rejections - 35 USC § 103

Claims 1, 4-8, 10-13, 15, and 20-40, and 43-44 were rejected as being unpatentable over Erices *et al.* in view of Shuler

As set out below, the proposed modification to the device of Erices *et al.* would render the device unsatisfactory for its intended purpose. There can thus be no suggestion or motivation to make the modification, and so a *prima facie* case of obviousness has not been established.

Applicant's Invention

All independent claims of the application are directed to a device for releasing a latch in which the device includes a worm gear biased against rotation by a spring connected

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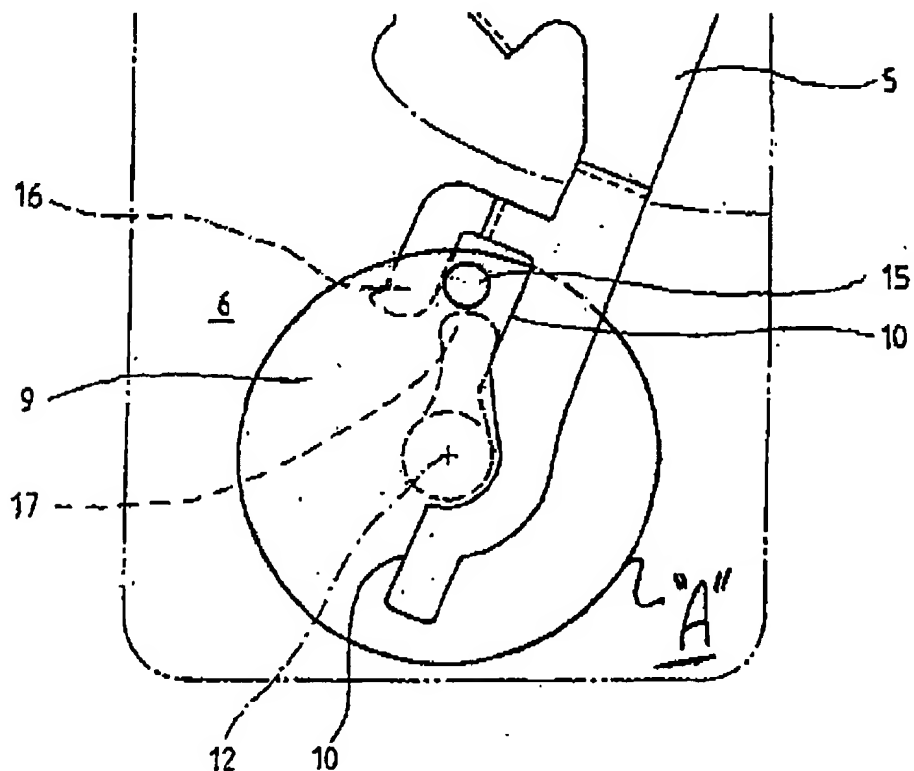
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between the gear and device housing such that energy is transferred from its motor to the spring as the gear rotates from a first to a second position and the energy stored in the spring causes the gear to rotate in a second direction when the motor is powered down.

Erices et al.

Erices et al. disclose a vehicle electric door lock having a detent pawl lever 5 that operates in two directions starting from the closed position illustrated in Figure 2 and described, for example, at lines 9 - 20 of column 8. As illustrated in Figure 4, cam wheel 9 of Erices et al. enjoys a full circle of rotation, referenced as "A" in the following:



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If modified to act as Applicant's invention, that is, if the gear which controls rotation of cam 9 were biased by a spring such that energy is transferred from the motor to the spring as the gear rotates in a first direction from a first position to a second position such that when the motor is powered down the energy stored in the spring causes the gear to rotate in a second direction, opposite to the first direction, from the second position to the first position, then for every full rotation in one direction, the cam of the Erices *et al.* device would be *required* to rotate back in the opposite direction when its motor is powered down. This would mean, for example, if one were to actuate detent pawl lever 5 under power of a low step-down ratio by clockwise rotation of cam 9 from the Figure 2 position by 360°, then the detent pawl lever would be required to be actuated for a second time, but under power of a high step-down ratio by counterclockwise rotation of cam 9 as the cam rotated back again to its original position. To require such dual activation of detent pawl lever 5 is contrary to the intended purpose of the device of Erices *et al.* which is to provide the ability to actuate the detent pawl lever by rotation of cam 9 in one direction or the other when and as desired. Applicant notes that similar restrictions on the operation of the Erices *et al.* device by the suggested combination persist for other modes of operation of the Erices *et al.* device.

It is thus improper to select elements from either Shuler or Lipp *et al.* to modify the device of Erices *et al.* as suggested. Applicant's respectfully request withdrawal of this rejection.


Applicant believes that all issues raised in the outstanding action have been addressed, and respectfully request allowance of the application.

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In the event that any official wishes to telephone, the call should be directed to the undersigned at (416) 865-8121.

Yours very truly,



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January 30, 2006
Date

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